

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

ANGELIKA DOROTHEA DEGENHARDT

Registered Nurse License No. 585193

Respondent

Case No. 2012-527

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on **December 17, 2012.**

IT IS SO ORDERED **December 17, 2012.**



Board of Registered Nursing
Department of Consumer Affairs
State of California

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
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Attorneys for Complainant

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2012-527

13 **ANGELIKA DOROTHEA DEGENHARDT**
14 **8190 Lake San Carlos Circle**
15 **Fort Myers, FL 33912**
16 **Registered Nurse License No. 585193**

17 **STIPULATED SURRENDER OF**
18 **LICENSE AND ORDER**

19 Respondent.

20 In the interest of a prompt and speedy resolution of this matter, consistent with the public
21 interest and the responsibility of the Board of Registered Nursing of the Department of Consumer
22 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
23 will be submitted to the Board for approval and adoption as the final disposition of the
24 Accusation.

25 **PARTIES**

26 1. Louise R. Bailey, M.Ed., RN ("Complainant") is the Interim Executive Officer of the
27 Board of Registered Nursing. She brought this action solely in her official capacity and is
28 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by
Randy M. Mailman, Deputy Attorney General.

2. Angelika Dorothea Degenhardt ("Respondent") is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about August 8, 2001, the Board of Registered Nursing issued Registered
Nurse License No. 585193 to Angelika Dorothea Degenhardt ("Respondent"). The Registered

1 Nurse License expired on December 31, 2006, and has not been renewed. . Pursuant to Business
2 and Professions Code sections 118, 2764, and 2811, subdivision (b), in conjunction with
3 California Code of Regulations title 16, section 1419.3, this lapse in Respondent's licensure does
4 not deprive the Board of jurisdiction to take disciplinary action against Respondent's license.

5 JURISDICTION

6 4. Accusation No. 2012-527 was filed before the Board of Registered Nursing (Board),
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on March 6,
9 2012. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
10 Accusation No. 2012-527 is attached as Exhibit A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 2012-527. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 2012-527, agrees that cause exists for discipline and hereby surrenders her Registered Nurse
27 License No. 585193 for the Board's formal acceptance.
28

9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Registered Nurse License without further process.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 585193, issued to Respondent Angelika Dorothea Degenhardt, is surrendered and accepted by the Board of Registered Nursing.

1. The surrender of Respondent's Registered Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Registered Nursing.

2. Respondent shall lose all rights and privileges as a registered nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 2012-527 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. If and when Respondent's license is reinstated, she shall pay to the Board costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of \$527.50. Respondent shall be permitted to pay these costs in a payment plan approved by the Board. Nothing in this provision shall be construed to prohibit the Board from reducing the amount of cost recovery upon reinstatement of the license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 2012-527 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for two (2) years from the effective date of the Board of Registered Nursing's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 9/7/2012 Angelika D. Degenhardt
ANGELIKA DOROTHEA DEGENHARDT
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

RANDY M. MAILMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-527

1 KAMALA D. HARRIS
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2012-527**

11 **ANGELIKA DOROTHEA DEGENHARDT**
12 **8190 Lake San Carlos Circle**
Fort Myers, FL 33912
13 **Registered Nurse License No. 585193**

ACCUSATION

14 Respondent.

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
18 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
19 of Consumer Affairs.

20 2. On or about August 8, 2001, the Board of Registered Nursing issued Registered
21 Nurse License Number 585193 to Angelika Dorothea Degenhardt ("Respondent"). The
22 Registered Nurse License expired on December 31, 2006, and has not been renewed.

23 **JURISDICTION**

24 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
25 Department of Consumer Affairs, under the authority of the following laws. All section
26 references are to the Business and Professions Code ("Code") unless otherwise indicated.
27
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ..."

8. Section 2811, subdivision (b) of the Code provides:

"Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing."

1
2 **COST RECOVERY**

3 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licentiate found to have committed a violation or violations of
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case.

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Disciplinary Action by the Florida Board of Nursing)

9 10. Respondent is subject to disciplinary action under Code section 2761, subdivision
10 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
11 disciplined by the Florida Board of Nursing ("Florida Board").

12 11. On or about May 7, 2007, pursuant to the Final Order issued by the Florida Board,
13 in the disciplinary action entitled *Department of Health v. Angelika Degenhardt*, case number
14 2006-28919, license number 3258712, the Florida Board ordered Respondent to submit to an
15 evaluation coordinated by the Intervention Project for Nurses ("IPN"). Respondent was further
16 ordered to comply with all terms and conditions imposed by IPN as a result of the evaluation. In
17 addition, the Florida Board reprimanded Respondent, fined her in the amount of \$250.00, and
18 ordered her to pay the administrative costs in the amount of \$2,306.31. The basis for the Order is
19 as follows:

20 12. On or about August 2, 2006, Respondent submitted to a pre-employment drug
21 screen, for InteliStaf Healthcare. The urine sample that Respondent submitted for the drug screen
22 returned positive for Tramadol. Tramadol is an opioid analgesic. Respondent did not have a
23 lawful prescription for the Tramadol.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct)

26 13. Respondent is subject to disciplinary action under Code section 2761, subdivision
27 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
28 particularly described in paragraphs 11 and 12, inclusive, above, and herein incorporated by

1 reference.

2 PRAYER

3 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
4 and that following the hearing, the Board of Registered Nursing issue a decision:

5 1. Revoking or suspending Registered Nurse License Number 585193, issued to
6 Angelika Dorothea Degenhardt;

7 2. Ordering Angelika Dorothea Degenhardt to pay the Board of Registered Nursing the
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
9 Professions Code section 125.3;

10 3. Taking such other and further action as deemed necessary and proper.

11
12
13 DATED: March 6, 2012

Louise R. Bailey
14 LOUISE R. BAILEY, M.ED., RN
15 Interim Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

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